

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

CRIMINAL NO. 1:CR-00-162

v.

JAMES HOLLOWAY

ORDER

Before the court is Defendant's motion for reconsideration of this court's order dated January 24, 2007 which denied Defendant's motion filed pursuant to 18 U.S.C. § 3582(c)(2). A motion for reconsideration is not to give a litigant a second bite of the apple to reargue his position. It is well settled that a court will grant a motion for reconsideration only "to correct manifest errors of law or fact or to . . . [consider] newly discovered evidence." *Harsco Corp v. Zlotnicki*, 779 F.2d 906, 909 (3d Cir. 1985), *cert. denied*, 476 U.S. 1171 (1986). Thus, unless new evidence has come to light which, had such evidence been discovered previously, could have affected a court's decisions, or unless the law on an issue has changed since the court's consideration of that issue, a motion for reconsideration is not proper.

Accordingly, **IT IS HEREBY ORDERED THAT** Defendant's motion for reconsideration is **DENIED**.

s/Sylvia H. Rambo

SYLVIA H. RAMBO
United States District Judge

Dated: February 5, 2007.

s/Sylvia H. Rambo
Sylvia H. Rambo
United States District Judge

Dated: 2007.